TITLE OF THE BILL.

SECRETARY: The title of the Bill shall be "The Prevention of Cruelty to Animals Act (Amendment) Bill."

MR. PUTHUPALLI S. KRISHNA PILLAI. Sir, I beg to move that the Bill be referred to a Select Committee consisting of the following members to report within four months:—

1. Mr. S. Chattanatha Karayalar
2. ,, M. L. D'Cruz
3. ,, S. Govinda Pillai
4. ,, N. V. Joseph
5. ,, G. Velu Pillai
6. Dr. Jeevanayagom
7. Mr. K. Kunju Panicker
8. ,, P. S. Muhamed
9. ,, S. Narayana Pillai
10. ,, N. Ramakrishna Pillai
11. ,, Kottalil P. Abraham
12. ,, Puliyoor T. P. Velayudhan Pillai and
13. ,, P. Kunjukrishnan

DR. C. C. JOHN: I second it.

The motion was put and carried.

TRAVANCORE FISHERIES ACT (AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I rise to introduce the Travancore Fisheries Act (Amendment) Bill and move that the Bill be read in the Assembly. From the Statement of Objects and Reasons appended to the Bill, honourable members might have noticed that it is proposed to add a new section to the existing Fisheries Act as Section 24. Under Section 5 of the Fisheries Act, Government are empowered to notify certain poramboke waters as areas within which the catch of fish is prohibited except under a licence. Such notifications have been published and large tracts of *Kayals* adjoining the coastal regions have been declared as notified areas under Section 5. Under the section dealing with private waters, the above restriction is confined to poramboke waters. Taking advantage of this provision, people have been exploiting the resources of the public waters notified under Section 5. The way in which they manage is this. That which is prevented is the catching of fish in certain waters. There are private waters adjoining public waters and if a catch is made in the private waters the Fishery Department is not competent to interfere even though the fish so caught is the fish in the notified area. That could not have been the intention of the Legislature, when it passed that measure. Advantage is therefore taken of this lacuna in the law and people with impunity make openings in the bunds separating the public water and the private water and attract the fish from the public water into the private water and thus defeat the purpose of law. If the bunds are kept in tact the fish in the public water cannot escape or migrate into private waters. It is

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impossible to keep watch over the bunds separating the private waters from the public waters througout the year. People make openings in such bunds and it would appear that in many areas the bunds are put up by private individuals. The argument appears to be that for the purpose of in-flow and outflow of water they have to keep the bunds open. To that Government have no objection. Through the opening fish migrate into the private water. But if the bunds are kept open for the inflow of water it shouldbe kept open for the outflow also That which they allow to get in must be allowed to get out also along with the ebb. But that is not being done. They allow the water and fish to get in, but do not allow the fish but allow only the water to get out. That is not an innocent act but it is a deliberate act for the purpose of catching the fish What they are prohibited from doing is being done on a technical flaw in the law. The land owners make enormous profit by this practice with the consequence that the wealth which Government wants to conserve for the benefit of the public is being steadily depleted. It is to meet this contingency that this Bill is brought forward. The Bill has been so worded as not to interfere with any right inherent in any owner of private waters. A careful reading of sub-clause (1) would show that all that is intended to restrict is the alluring into private waters of a certain class of fish from public waters. It is not intended to prevent it but only to regulate it.

The absence of any regulation or restriction in respect of this matter enables the parties to exploit the situation and the wealth of the country and to make the best out of it. I do not blame those engaged in this notorious practice, for, here as elsewhere, it is the fashion to evade or prevaricate the law. The matter has been carefully investigated and the Professor of Marine Biology, the officer in charge of this department, has reported to Government that, by allowing unrestricted catching of a particular variety of fish-prawns, great damage is done to the State. A peculiar tendency of this kind of fish appears to be to come from the sea before it is mature, to migrate upstream or along with the ebb and tide, then to go back into sea and when it develops, to come back again either to die or to be killed. But the people seem to be in such a great hurry that they have no regard for this. Even the small ones they get, they destroy and make as much profit out of them as possible. This is a great loss to the State. The prawn industry, so far as Travancore is concerned, had its past glory, sometime back, when exploitation to this extent had not proceeded, but with the increased method of destruction established by our fishing population, the destruction is proceeding at a rapid pace. It is necessary that it should be checked, not to the detriment of the prawn catchers but for the betterment and prosperity of the State. This bill ought to have been placed before the House long before this, but Government have been taking time to consider in what manner it should be dealt with-whether all exploitation of the fish in the public waters should be prohibited and to what extent, exploitation in private waters could be interfered with. Government have, so far, not decided to interfere

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[Mr. Puthupalli S. Krishna Pillai]

with the catching of prawns in sea waters. They have decided not to interfere with the catching of prawns in private waters, if private waters have nothing to do with the prawns that ought to grow in regulated conditions in poramboke waters. They have therefore finally decided that, to the extent to which the intents and purposes of the law exists, the Legislature must step in and therefore, Sir, it is proposed in the Bill that,

> "Notwithstanding anything contained in any other provisions of this Act or any law or custom having the force of law, it shall be unlawful for any person, except under a license, and in accordance with the terms and conditions, if any, prescribed under this section, to attract, or cause or allow migration of prawns into private waters, from any waters noticed under sub-section (1) of Section 5, by the use of sluices, gratings, gears, alluring lights or other such contrivances and to catch, destroy or cause injury to any such fish by any means whatsoever."

So that the scope of the Bill is very much limited. It is very carefully worded so as to bring within its scope, only those who, openly and avowedly, try to defeat the purpose of the existing Statute. It is only that that is proposed to be dealt with.

MR. KANNANTHODATH JANARDANAN NAIR: In Kuttanad fish come into the fields when they are not cultivated. During times of cultivation, bunds are raised and when the water is pumped out, fish are not able to get out and naturally they are caught.

MR. PUTHUPALLI S. KRISHNA PILLAI: I do not quite follow the member.

MR. KANNANTHODATH JANARDANAN NAIR: I shall make it clear. The honourable member was telling the House that, when fish are attracted into private waters, they have no access to go into the public waters. In Kuttanad, fish enter the paddy fields when they are not cultivated and they lay eggs and develop into larvae. But during the time of cultivation, bunds are raised and water is pumped out of the fields. Then naturally, these fishes are caught along with the mothers. My question was, what has the honourable member to say regarding this point?

MR. PUTHUPALLI S. KRISHNA PILLAI: We are dealing with prawns — young ones as well as old—and the honourable member's question refers to all kinds of fish.

MR. KANNANTHODATH JANARDANAN NAIR: Not exactly so.

MR. KOTTALIL P. ABRAHAM: Along with other fish, prawns also may come in.

MR. PUTHUPALLI S. KRISHNA PILLAI: Let one or two come in.

MR. KOTTALIL P. ABRAHAM: It is thought that the Bill will apply only to prawns.

MR. PUTHUPALLI S. KRISHNA PILLAI: I have not used the word 'fish' but only the word 'prawn.' It does not include various kinds of fish All that is prohibited or sought to be restricted is catching of

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prawns after their allurement into private waters by use of sluices, gratings, gears, alluring lights or other such contrivances. The case suggested by the member will be certainly outside the scope of the section.

PRESIDENT: The real difficulty does not arise in this way. Prawns only come into the fields and they could not go out. That is the idea.

MR. PUTHUPALLI S. KRISHNA PILLAI: The honourable member was asking me what will happen if while cultivating his fields the owner finds prawns in his fields and catches them for his own use.

MR. M. SIVATHANU PILLAI: During the time of cultivation, I understand, out of necessity, Kuttanad cultivator has to raise bunds and there is necessity to pump out water for the purpose of cultivation. There the catching of the fish is not a willful act on the part of the agriculturist. After pumping the whole water, fish will remain in the field and what has he got to do with those fish? Suppose among those, there is a good quantity of prawns?

MR. PUTHUPALLI S. KRISHNA PILLAI: If it is by this means, it is open to him to catch them. If you allow prawns to migrate into the fields by the use of sluices, gratings etc., and catch, destroy or cause injury to any such fish by any means whatsoever, you are liable. Why should you think that you are pumping out water without putting up bunds on all sides? When you put up bunds you are not putting up sluices, gratings etc., for the purpose of attracting fish into your lands. You are merely putting up bunds and you will prevent prawns from migrating into your lands.

MR. M. SIVATHANU PILLAI: Before that, prawns could have migrated.

MR. PUTHUPALLI S. KRISHNA PILLAI: That is exactly what I mean.

PRESIDENT: Notwithstanding that the prawns may be there.

MR. PUTHUPALLI S. KRISHNA PILLAI: So that this is intended to deal with a particular kind of fish. That is why it has been so worded. If you keep a bund —that is what happens in Kuttanad where fish migrate into such waters—you are doing it only for purposes of cultivation and not for catching the fish. Suppose you make an opening in that bund, put up a light at or near that opening and also a net at the opening, then it will not be for purposes of cultivation. The latter will, and the former will not, come within the mischief of the section.

MR. M. SIVATHANU PILLAI: Am I to understand that the prawns are not so abundant in other taluks?

MR. PUTHUPALLI S. KRISHNA PILLAI: It is not.

MR. KANNANTHODATH JANARDANAN NAIR: Am I to understand, Sir, that the prawns are not so abundant in our backwaters?

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MR. PUTHUPALLI S. KRISHNA PILLAI: The fresh water prawns are not so abundant as the sea-water prawns. It is only these that are caught in large numbers and it is only these that are considered to be a delicacy both here and elsewhere.

PRESIDENT: Especially in China where it is powdered and used.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, it is also important as a manure.

MR. PADIYARA JOSEPH KUNJU: കുട്ടനാട്ടിലെ കൊഞ്ചു ഇതിൽ ഉൾപ്പെടുമോ?

MR. PUTHUPALLI S. KRISHNA PILLAI: പ്രാൺസ് എന്നു പറയുന്നതെല്ലാം ഇതിൽ ഉൾപ്പെടും. എന്നാൽ ലാബ് സ്റ്റേർസിനും കൊഞ്ചിനും വ്യത്യാസമുണ്ട്.

MR. PADIYARA JOSEPH KUNJU: ഞാൻ കൊഞ്ചിനെപ്പറ്റിയാണ് ചോദിക്കുന്നത്.

MR. PUTHUPALLI S. KRISHNA PILLAI: കൊഞ്ചു പ്രാൺസിൽ ഉൾപ്പെടുന്നതാണെങ്കിൽ ഇതിൽ ഉൾപ്പെടും.

MR. PADIYARA JOSEPH KUNJU: കുട്ടനാട്ടിൽ വലിയ കൊഞ്ചാണ് ഉള്ളത്. അതു ഇതിൽ ഉൾപ്പെടുമോ?

MR. C. C. JOHN: അതു ഇതിൽ ഉൾപ്പെടുകയില്ല. ഇതിനകത്തു ഉൾപ്പെടുന്നതു കടലിൽനിന്നും കയറിവരുന്ന ചെമ്മീനാണ്.

MR. KOTTALIL P. ABRAHAM: ചെറിയ ചെമ്മീൻ വളർന്നാൽ വലിയ കൊഞ്ചാകുമോ?

MR. C. C. JOHN: ഇല്ല. ഇതു രണ്ടും രണ്ടാണ്.

MR. PADIYARA JOSEPH KUNJU: കൊഞ്ചും കണ്ണുങ്ങളും ഇതിൽ ഉൾപ്പെടുകയില്ലല്ലോ?

MR. C. C. JOHN: ഇല്ല.

The motion that the Bill be read was put and carried.

TITLE OF THE BILL.

SECRETARY: The title of the Bill shall be the 'Travancore Fisheries Act (Amendment) Bill'.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I think that there is practically no difference of opinion among the members.

PRESIDENT: I fear that there are submerged difficulties in the matter.

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MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I beg to move that the Bill be referred to a Select Committee consisting of the following members to report within four months:—

Messrs. 1. S. Chattanatha Karayalar,
2. D. Francis,
3. K. G. Karunakaran,
4. Kottalil P. Abraham,
5. K. G. Govindan,
6. P. V. Mathai Chemparathy,
7. M. R. Narayana Pillai,
8. K. R. Narayanan,
9. Codiveetil C. Ramankunju,
10. P. Vivekanandam,
11. J. W. Tolson,
12. M. L. D'cruz,
13. N. Narayana Kurup, and
14. V. Chandamiah.

MR. C. C. JOHN : I second the motion.

The question that this Bill be referred to a Select Committee consisting of the above-mentioned members was put and carried.

The Bill was referred to a Select Committee.

THE TRAVANCORE FISHERIES ACT (SECOND AMENDMENT) BILL

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I beg to introduce another Bill to amend the Fisheries Act and move that it be read in the Assembly. The two Bills could have been consolidated but for the fact that they were dealt with at different times. The emergency and importance of the first Bill necessitated its publication earlier than the other. But the second Bill purports to add an explanation to Section 23 of the Act. Section 23 authorises Government to apply the provisions of the Act to the shells of fish collected from the waters in the State. But a question has been raised whether the water mentioned in Section 23 includes sea water. Now some of the important shells of fish are to be obtained from the sea. The doubt has arisen from this fact. In some sections the word 'water' has been explained as including the sea water while in others no such explanation has been given. The interpretation is where such explanation is given, it includes sea water, but where it is not given, it does not include sea water. Hence it is necessary for the purpose of Section 23 to give an explanation to that. It applies to the conch and other shells taken from the sea. In spite of the fact that even now there is royalty———

PRESIDENT : Under Interportal Law they are part of the territory of Travancore.

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